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Forty-seventh session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 February 1991]

## Human rights in armed conflicts

1. Unprecedented media-coverage of suffering caused by the current Gulf crisis has helped inform millions of people as to the gross violations of human rights that accompany large-scale warfare. Yet hardly any military and political leaders have referred to the International Bill of Human Rights, which most people seem not to realize is now in its twenty-fifth anniversary year. Most allegations and disputes regarding the Gulf scene focus instead on humanitarian laws such as the Geneva Conventions of 1949 and the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Cases, and of Bacteriological Methods of Warfare of 17 June 1925.

2. Those documents are, of course, pertinent and powerful. Yet since 1948, the year of birth of the Universal Declaration of Human Rights, countless additional norms applicable to armed conflict have been prescribed; and this Commission has been an eminent participant in the formulation, implementation and enforcement of those norms.

3. At the current session, should not the Commission proclaim the relevance of the "new" norms, ever-encroaching horrors and ghastly threats of the Gulf War that now are being witnessed? A fundamental rule of human rights law is that individuals, and peoples too, should be accorded those protections that are the most beneficial. In no way do reminders of unique United Nations protections downgrade the great contributions of the Geneva treaties. Sometimes, though, the United Nations prescriptions are especially beneficial. Illustrative is article 4 of the Covenant on Civil and Political Rights, which authorizes derogations of human rights in "time of emergency which threatens the life of the nation". But the first section of the article provides that government actions must not "involve discrimination solely on the ground of race, colour, sex, language, religion or social origin"; and section 2 adds, notably, "No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made ..." Those and comparable words indisputably are applicable and restrict all antagonists involved in the Gulf.

4. Representatives of Human Rights Advocates urge that at the current session the Commission specifically and forcefully remind military and political warriors that the basic commands of the International Bill of Human Rights are to be observed by <u>all</u> who profess to respect the rule of law internationally.

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